

REMARKS

In the above referenced Office Action, issue was taken with the Information Disclosure Statement as well as the drawings. Corrected versions of each are attached herewith.

The specification and certain claims were objected to for various informalities. By the above amendments, these informalities have been obviated.

Claims 1-12 were rejected under 35 USC 112, second paragraph. Certain amendments have been made. Applicant traverses the remaining rejections. Specifically, with respect to claim 1, the term "housing" is unambiguous in its recitation. It is initially set forth in the preamble and positively referred to twice within the body of the claim. The sleeve outer portion is defined as bonded to the housing. Thus, this rejection is inappropriate and should be withdrawn.

The "sensor comprising" language is not vague. The claim relates to a temperature sensor disposed within a pin, the pin is within the insulator, the insulator is within the sleeve and the sleeve is bonded to the housing of the implantable device. Again, Applicant respectfully asserts that the rejection should be withdrawn.

The Examiner has rejected claim 9 as the "means for hermetically sealing" is "vague" and recites 37 CFR 1.75. Again, applicant asserts that this language is not vague and the Examiner is directed to the specification to construe the means-plus-function claims in accordance with 35 USC 112, paragraph 6.

Claims 1, 3-6, and 8-10 were rejected under 35 USC 102(b) as being anticipated by the '179 patent. Applicant respectfully traverses.

Claim 1 includes, among other things:

- a sleeve outer portion hermetically bonded to the housing;
- a thermal insulator disposed within the sleeve outer portion;
- a pin spaced from the housing and at least partially disposed within the thermal insulator; and
- a temperature sensor disposed within the pin.

The Examiner asserts that the '179 reference teaches a pin (7) and a temperature sensor (16) disposed within the pin (7).

The reference actually states that element (7) is a temperature sensor and element 16 is a glass bulb within the temperature sensor that holds two wires.

Thus, the reference does not teach a pin nor does the reference teach a temperature sensor disposed within a pin. The claim cannot be anticipated by this reference, the rejection is improper and must be withdrawn. The dependant claims are allowable for the same or similar reasons.

Claims 11-12 were rejected under 35 USC 102(b) as being anticipated by the '588 publication. That publication teaches a standard feedthrough having an electrode disposed at the end of a pin. There is no pressure sensor. Further, the pin is element 75. The claim explicitly states that the pin includes *a hollow, fluid filled interior*. A space surrounding the exterior of a pin hardly qualifies as a hollow interior portion let alone one with the various pressure sensing configuration. In addition, the pin 75 is static; leak testing will cause the membrane 72 to move and break a seal. Again, the rejection is wholly improper and must be withdrawn.

Claims 1, 3, 6, and 7 were rejected under 35 USC 103(a) over Fraley et al. and (only Fraley et al.) Applicant respectfully traverses. While there may be a rare instance where a single reference 103 rejection is proper this certainly is not such a case. That Examiner admits that the reference fails to teach, suggest, imply, or even hint at the positioning of a temperature sensor within a pin of e.g., a feedthrough, yet it would have been obvious to replace the electrode of the reference with a temperature sensor. The Examiner's argument is that:

[I]t is well known in the art to use sensors as temperature sensors to measure, monitor and calibrate temperatures within implantable medical devices to alert a person when there is a potential problem and to ensure efficient and optimal function and operation of a device.

Applicant's first response is that if it is so well known, the Examiner should have no difficulty in finding an appropriately combinable reference that when so combined actually teaches the claimed invention.

Furthermore while an interesting conclusory statement, the unsupported allegation still fails to address the actual claim element that requires a temperature sensor disposed within a pin; let alone why such a modification would have been made.

Applicant respectfully asserts that the rejections of record have been overcome or are improper. Applicant request favorable action on the merits. Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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